

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

BRANDON WILLMON,

Plaintiff,

v.

DG LOGISTICS, LLC, MARK BOREN,  
AVIS BUDGET CAR RENTAL, LLC,  
AND PV HOLDING CORPORATION,

Defendants.

Case No. 1:24-CV-0127-SNLJ

**MEMORANDUM AND ORDER**

Now before the court is Defendant Avis Budget Car Rental, LLC, Avis Rent A Car System, LLC, and PV Holding Corporation (“Avis”) motion to dismiss this case against them for failure to state a claim upon which relief can be granted pursuant to 49 U.S.C. § 30106 and Fed. R. Civ. Pro. 12(b)(6). [Doc. 17]. The matter has been fully briefed and is ripe for adjudication. On February 24, 2025, this Court gave plaintiff Willmon 21 days to file a Second Amended complaint addressing deficiencies in Count VI in the First Amended Complaint. [Doc. 31]. On March 17, 2025, plaintiff filed its Second Amended Complaint. [Doc. 34]. As a result, defendant Avis’s motion to dismiss the First Amended Complaint is now moot.

Accordingly,

**IT IS HEREBY ORDERED** that defendant Avis’s motion to dismiss the First Amended complaint is DENIED as moot.

Dated this 19th day of March 2025.

A handwritten signature in black ink, reading "Stephen N. Limbaugh, Jr.", written in a cursive style.

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STEPHEN N. LIMBAUGH, JR.  
SENIOR UNITED STATES DISTRICT JUDGE